

REMARKS

Claims 12-23 are pending. Claims 12-14 have been amended to correct minor grammatical errors. Claims 1-11 are canceled.

The Examiner has requested amendment of Figs. 19-26 to be designated as –Prior Art–. Accordingly, replacement sheets indicating Figs. 19-26 as –Prior Art– are submitted herewith.

In regard to the requirement that the first sentence of the specification be amended, the Examiner's attention is directed to the Utility Patent Application Transmittal letter of the application, item 16(a). That is, the specification has already been amended to indicate that the application is a divisional of prior Application Serial No. 09/161,828, filed September 29, 1998.

Claim 15 was rejected under 35 USC §112, first paragraph, as allegedly failing to comply with the enablement requirement. In this regard, the Examiner believes that the specification does not elucidate patterning the fourth thick insulating layer so as to remain a peripheral region of the substrate, prior to forming the drain region.

The Examiner's attention is directed to the teaching in the present specification at page 14, lines 11-20 and at page 27, line 22 through page 28, line 1. It is respectfully submitted that at least these portions of the specification satisfy the enablement requirement for claim 15.

Claims 12-14 and 22-23 were rejected under 35 USC §103(a) as being unpatentable over Tsuzuki et al. in view of Kinzer. Favorable reconsideration of this rejection is earnestly solicited.

In this rejection, the Examiner acknowledges that Tsuzuki et al. fails to explicitly teach forming the sidewall insulator on the sidewalls of the gate insulating film and patterning the metal layer. Kinzer is applied by the Examiner for allegedly teaching etching through the gate oxide and then forming an insulation layer over the sidewalls of the gate oxide and patterning the metal layer.

However, the step of "patterning" of Tsuzuki et al. does not pattern the first insulating film (3), and in the step of "forming a third insulating film", Tsuzuki et al. does not cover a surface of the impurity region. Thus, the combination of references fails to teach or suggest the claimed invention. Favorable reconsideration is earnestly solicited.

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Claim 15 was rejected under 35 USC §102(b) as being unpatentable over Tsuzuki et al. in view of Kinzer, and further in view of Applicants' Prior Art. Favorable reconsideration of this rejection is earnestly solicited

As noted above, the combination of Tsuzuki et al. and Kinzer fails to teach all the features of independent claim 12. Applicants' Admitted Prior Art fails to provide the teachings which Tsuzuki et al. and Kinzer lack.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully submitted,

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Attachments: Petition for Extension of Time
Drawing Correction - Figs. 19-26 Replacement Sheet (5)